

### REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-7 were pending in this application. In this Amendment, Applicant has amended claim 1 to clarify the invention and correct matters of form. No claims have been added or canceled. Accordingly, claims 1-7 will still be pending upon entry of this Amendment.

In the Office Action mailed September 20, 2007, the Examiner withdrew the allowance of claims 1-7 and rejected those claims under 35 U.S.C. § 102(e) as being anticipated by the newly discovered reference, Japanese Patent JP 10-085361 to Yoshiaki ("Yoshiaki"), which was previously cited in the Information Disclosure Statement filed February 17, 2006. For the Examiner's convenience, Applicant has provided a computer-generated translation of Yoshiaki in a supplemental Information Disclosure Statement being filed concurrently herewith, and requests that the Examiner indicate consideration of the cited reference in the next communication. To the extent that the rejection might still be applied to the currently pending claims, Applicant respectfully traverses the rejection.

Applicant's representative wishes to thank Examiner Richman for the courtesies extended during the telephonic interview on March 4, 2008. The substance of the interview is incorporated into the following remarks.

As agreed in the interview, Yoshiaki fails to teach or suggest all of the elements of independent claim 1, especially with respect to the recited first, second, and third bands, and the first and second hollow spaces.

As recited in claim 1, the muscle strength increasing device of the present invention comprises three bands, *i.e.*, the first, second, and third strip-shaped bands. Each of the proximal ends of the three bands is connected at the proximal ends of the other two bands, giving the muscle strength increasing device a three-pronged shape as a whole. In one embodiment, as claimed in original claim 2, the first and second bands are formed as integral part.

In contrast, the muscle strength increasing device of Yoshiaki comprises a single belt. The single belt may be regarded as a belt consisting of two belts the proximal ends of which are connected to each other. In view of this, Yoshiaki at most discloses *only two* of the recited first, second, and third bands of the present invention. Thus, as agreed in the interview, Yoshiaki fails to teach or suggest the muscle strength increasing device comprising the three bands as recited in claim 1.

Further, the first band of the present invention has a first hollow space formed therein at a distal end thereof, and the second band has a second hollow space formed therein at a position near the distal end thereof. As agreed in the interview, Yoshiaki does not disclose hollow spaces whatsoever, let alone the recited first and second hollow spaces of claim 1.

Based on the three bands and the two hollow spaces, the present invention provides a muscle strength increasing device that a user can, without anyone else's assistance, easily tie around the region (*e.g.*, an arm or a leg) to be compressed by the procedure shown in, and described with reference to, Figures 10A-10E.

On the other hand, Yoshiaki's muscle strength increasing device does not provide such a function, because it is simply a single belt tied around an arm or a leg as shown in Figure 3 of

Serial No.: 10/568,593  
Art Unit: 3764  
Inventor: Yoshiaki SATO

Attorney's Docket No.: SUZ0028-US  
Page 6

Yoshiaki.

Accordingly, Applicant respectfully submits that amended claim 1 is patentable over the prior art of record. In addition, Applicant respectfully submits that dependent claims 2-7 are also patentable due at least to their dependence on an allowable base claim and for the additional features recited therein.


In view of the foregoing all of the claims in this case are believed to be proper form. Should the Examiner have any questions or determine that any further action is desirable to place this application in condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

PAUL HASTINGS JANOFSKY & WALKER LLP  
875 15th Street, N.W.  
Washington, DC 20005  
Tel: 202-551-1700

Respectfully submitted,

YOSHIAKI SATO

Date: March 5, 2008

By:   
Michael Bednarek  
Registration No. 32,329

MB/SPA/ggb  
Customer No. 36183